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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,480	12/26/2000	Peter J. Kennedy	6169-141	4365
7590 03/09/2005 Akerman, Senterfitt & Eidson, P.A. P.O. Box 3188 West Palm Beach, FL 33402-3188			EXAMINER NGUYEN, KIMNHUNG T	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/749,480	<b>Applicant(s)</b> KENNEDY ET AL.	
	<b>Examiner</b> Kimnhung Nguyen	<b>Art Unit</b> 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input checked="" type="checkbox"/> Other: ____                                     |

### DETAILED ACTION

This application has been examined. The claims 1, 3-12, 14-25 are pending. The examination results are as following.

The indicated allowability of claims 5, 9, 11, and 20, are withdrawn in view of the newly discovered reference(s) to 6,029,214 and 6,411,283. Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-12, 14-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorfman et al. (US 6,029,214).

Regarding claim 1, Dorfman et al. discloses in fig. 6-8, a compuler based system having a touchscren, a method for distinguishing between finger contact (132) and stylus contact (130, see col. 3, lines 57-65, see col. 13, lines 15-44) comprising detecting contact with said touch screen (see col. 7, lines 17-30); generating contact information specifying a size of said detected contact with said touchscreen (see col. 10, lines 23-64); comparing said contact information

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corresponding to said detected contact with contact criteria (see col. 11, lines 16-24), said specifying a threshold contact size, and based on said comparing of said contact information, determining whether said contact was initiated by a finger or stylus (see fig. 4, 6E-6F).

Regarding claims 3-4, Dorfman et al. discloses that the method, wherein said determined step comprises for said contact in formation consistent with said criteria corresponding to said finger contact, interpreting said detected contact as finger contact (see col. 11, lines 37-67).

Regarding claims 6-7, 17-18, Dorfman et al. discloses that the method further comprising detecting the duration of said contact (see col. 7, lines 16-43), or between the contact and second contact (see col. 7, lines 16-43).

Regarding claims 8-9, 19-20, Dorfman et al. discloses that the method, further comprising displaying an activated point in said touchscreen beneath said detect contact (see tactile, feedback, see col. 6, lines 61-67), and a converting pointer control information to text (see fig. 6E).

Regarding claims 10 and 21, Dorfman et al. discloses that the method, further comprising based on said determining step, presenting a visual interface in said touchscreen corresponding to visual interface in said touchscreen corresponding to said stylus contact (see col. 6, lines 51-67).

Regarding claims 12, Dorfman et al. discloses in fig. 4 that a machine readable storage having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of detecting contact with a touchscreen (see abstract); generating contact information specifying a size of said detected contact with said

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touchscreen; comparing said contact information corresponding to said detected contact with contact criteria (see col. 11, lines 16-24), said contact criteria specifying a threshold contact size; and based on said comparing of said contact information, determining whether said contact was initiated by a finger or stylus (see fig. 4, 6E-6F).

Regarding claims 14-15, Dorfman et al. discloses that the machine readable storage further comprises the step of for contact information consistent with said criteria corresponding to said finger contact, interpreting said detected contact as a finger contact (see col. 11, lines 37-67).

Regarding claims 22-23, Dorfman et al. discloses that the method, further comprising performing at least one programmatic action according to said determining step (see fig. 4).

Regarding claims 24-25, Dorfman et al. discloses that wherein the touchscreen is based upon a pressure stimuli, and wherein the detecting step is dependent in part upon an amount of pressure applied to the touchscreen (see fig. 6E).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfman et al. (US 6,029,214) in view of Murphy (US 6,411,283).

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Dorfman et al. discloses every feature of the claimed invention as discussed above, excluding the method further comprising offsetting an on-screen pointer a predetermined distance from said detected contact. Murphy discloses in fig. 7, the computer touch screen (100) having offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact (see col. 6, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact as taught by Murphy into the computer system of Dorfman et al. because this would provide to the user an icon or other feature adjacent the edge of the screen to be more easily selected.

***Corresponding***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is 703-308-0425. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (703) 308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen  
March 2, 2005



**ALEXANDER EISEN**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2600**